

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 24, 1998
SAN FRANCISCO, CALIFORNIA**

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

- A068802/S071881 People v. Joshua Harvest - November 2, 1998.
- A074863/S072478 People v. Stephen Ho - November 5, 1998.
- A076190/S072584 People v. Jose Luis Contreras - November 9, 1998.
- A076484/S072582 People v. Richard Dudley Stevens - November 9, 1998.
- A076528/S072576 People v. Gregory Grotemeyer - November 6, 1998.
- A078436/S072329 People v. Derick Anthony Williams - October 30, 1998.
- A079214/S072531 People v. Kristen Leigh Braz - November 6, 1998.
- A083256/S072490 Care Enterprises West et al. v. San Francisco County Superior Court; Ruth Ann Rhodes, RPI - November 5, 1998.
- B084850/S072706 People v. Tracy Matthews - November 12, 1998.
- B105545/S072581 Los Carneros Community Associates et al. v. Penfield & Smith Engineers Incorporated et al - November 9, 1998.
- B105636/S072492 People v. Ilka Rosales - November 5, 1998.
- B106059/S072480 People v. Santos Balvino Duran - November 5, 1998.
- B107616/S072310 In re Michael Tirpak on Habeas Corpus; People v. Michael Tirpak - October 30, 1998.
- B107645/S072552 Anita M. Holguin et al. v. State of California - November 6, 1998.
- B108078/S072474 People v. Richard Allen Bento et al. - November 4, 1998.

- B108252/S072562 People v. Alex Arturo Fagan et al. - November 6, 1998.
- B108900/S072452 Estate of Joanne L. Smith, Deceased; Robert Robinson v. Catherine Greenberg - November 4, 1998.
- B108956/S072570 Estate of Madeline L. Kirkpatrick, Deceased; Daniel J. Drake, as Administrator, etc. v. T. J. Kirkpatrick - November 6, 1998.
- B109481/S072394 People v. Daniel Garcia, Jr. - November 3, 1998.
- B110751/S072375 People v. Barry Dibble - November 2, 1998.
- B111680/S072621 People v. Marvin Rovance Gordon - November 10, 1998.
- B112053/S072339 People v. Celerino Hernandez et al. - October 30, 1998.
- B112389/S072488 People v. Luis Lopez - November 5, 1998.
- B112469/S071899 People v. Wesley E. Scott - October 26, 1998.
- B112501/S072534 Raymond Bruce Belton v. Bowers Ambulance Service - November 10, 1998.
- B112531/S072551 Priscilla J. Raif v. City of San Gabriel - November 6, 1998.
- B112828/S072321 People v. Ernesto Tancioco - October 30, 1998.
- B113211/S072505 Rasia Wills, a Minor, etc. v. Marcelo Z. Vargas et al. - November 5, 1998.
- B113585/S072565 People v. Tonika Nichelle Poole - November 6, 1998.
- B114086/S072560 People v. William Newman - November 6, 1998.
- B114256/S072554 People v. Alfredo Estrada Reyes - November 6, 1998.
- B114508/S072088 People v. Jamel D. Lewis - November 5, 1998.
- B116565/S072483 People v. Saul Estrada Gonzalez - November 10, 1998.

- B116742/S072530 Kenneth Scidmore v. Los Angeles County Superior Court; People, RPI - November 6, 1998.
- B117715/S072573 People v. Harold Alan Chiprin - November 6, 1998.
- B121075/S072639 In re Harold Alan Chiprin on Habeas Corpus - November 6, 1998.
- B123690/S072237 In re Akop Bagdasaryan on Habeas Corpus - November 3, 1998.
- B123781/S072612 In re Joseph William O'Melia on Habeas Corpus - November 10, 1998.
- C018127/S072369 John C. Rocha, Jr. et al. v. Bank of Stockton etc. et al.; And Companion Case -November 2, 1998.
- C024716/S072491 People v. David Vasquez - November 5, 1998.
- C025167/S072389 People v. Theodore Alva - November 2, 1998.
- C025651/S072648 People v. Everett Lynell McCoy - November 12, 1998.
- C026124/S072326 People v. James Sims - October 30, 1998.
- C027717/S072537 People v. Richard Holland Tatman - November 5, 1998.
- D025565/S072629 Daniel Kovatch v. California Casualty Management Company Inc. et al. - November 9, 1998.
- D026302/S072619 Manuel Reyes et al. v. Ichiro Kosha et al. -November 10, 1998.
- D027082/S072467 In re Ronald Lee Richardson on Habeas Corpus; People v. Ronald Lee Richardon; And Companion Case - November 3, 1998.
- E020448/S072458 People v. Essex Porter - November 4, 1998.

- E022941/S072475 Marriott Corporation v. Workers' Compensation Appeals Board; Terrie Lee Hayes et al. - November 5, 1998.
- G020005/S072405 People v. Michael A. Tito - November 3, 1998.
- G020583/S072485 Jorge Cisneros Alvarez - November 3, 1998.
- G021484/S072338 Bernard A. Leckie v. County of Orange et al - October 30, 1998.
- G023672/S072234 Ronald C. Strunk v. Orange County Superior Court; People, RPI - November 2, 1998.
- F025041/S072578 People v. Angelita McMains - November 9, 1998.
- F026895/S072541 People v. William Ellis Wandick, Jr. - November 6, 1998.
- F029987/S072450 U.S. Borax Incorporated et al. v. Workers' Compensation Appeals Board; Bobby Goodwin - November 4, 1998.
- H015769/S072192 In re Willard Birts on Habeas Corpus; People v. Willard Birts - November 4, 1998.
- H015916/S072525 People v. Lawrence James Grijalva - November 10, 1998.
- H016518/S072299 Monem Kabir et al. v. Silicon Valley Bank et al.; Roger Smith et al. - November 5, 1998.
- H016755/S072471 People v. Tuan Van Nguyen - November 3, 1998.

S018815 People, Respondent
v.

Raymond Anthony Gurule, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including November 16, 1998.

S021331 People, Respondent

v.

Curtis Lee Ervin, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant reply brief is extended to and including October 14, 1998.

S023628 People, Respondent

v.

John Sapp, Appellant

Appellant's application for extension of time to file appellant's opening brief is DENIED.

S034800 People, Respondent

v.

Richard Dehoyos, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including November 2, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S035368 People, Respondent

v.

Enrique Zambrano, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including November 30, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S055652 People, Respondent

v.

Freddie Fuiava, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including November 3, 1998, to request correction of the record on appeal. Counsel for

appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S069817 People, Appellant

v.

Trevor James Gentry, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including October 9, 1998.

S071278 People, Respondent

v.

Patrick P. Felix, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's opening brief is extended to and including October 26, 1998.

S071633 Leo R. Norgart and Phyllis Norgart et al., Appellants

v.

The Upjohn Company, Respondent

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to and including October 28, 1998.

2nd Dist. Jack A. Carton

B115560 v.

Libbe Murez

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Three.

2nd Dist. Wilshire Insurance Company

B117711 v.

Prompt Motor Express, Inc. et al.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Two.

S071965 In re **Charles G. Lester** on Discipline

It is ordered that **Charles G. Lester** be suspended from the practice of law for three years and six months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and six months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed May 7, 1998, as modified by its order filed May 22, 1998 and August 7, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Credit toward the period of actual suspension shall be given for the period of inactive enrollment which commenced on December 1, 1996. Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and are payable in accordance with Bus. & Prof. Code section 6140.7, as amended effective January 1, 1997.

S071971 In re **Roger A. McKee** on Discipline

It is ordered that **Roger A. McKee** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 18 months and until he is reinstated to active membership by the State Bar of Arizona. Should his actual suspension exceed two years, he shall remain on suspension until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed May 29, 1998, as modified by its

order filed June 12, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered that he comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S071973 In re **John Chadwick Weaver** on Discipline

It is ordered that **John Chadwick Weaver** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for four years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in the order regarding the stipulation filed May 21, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

S071975 In re **Larry G. Wilson** on Discipline

It is ordered that **Larry G. Wilson** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 26, 1998. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S071977 In re **Paul A. Franklin**on Discipline

It is hereby ordered that **Paul A. Franklin** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs be payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S072117 In re **Howard Leslie Husted**on Discipline

It is ordered that **Howard Leslie Husted** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. He is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its decision filed May 21, 1998. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S072118 In re **Lanny E. Poel**on Discipline

It is ordered that **Lanny E. Poel** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed May 28, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S072119 In re **Todd R. Becker** on Discipline

It is ordered that **Todd R. Becker** be suspended from the practice of law for three years and until he demonstrates to the State Bar Court his rehabilitation, fitness to resume the practice of law and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of said suspension be stayed, and that he be placed on probation for four years on conditions including actual suspension for two years and until he demonstrates to the State Bar Court his rehabilitation, fitness to resume the practice of law and learning and ability in the general law pursuant to standard 1.4(c)(ii). Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on May 24, 1996 (*In re Young* (1989) 49 Cal.3d 257, 270.) He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding the stipulation filed in the State Bar Court on May 29, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners during the period of his actual suspension, and provide the State Bar Probation Unit with satisfactory proof that he has passed that examination within said time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable as provided by the above-mentioned stipulation or as otherwise provided by Business and Professions Code section 6140.7

S072122 In re **Joseph Trenk** on Discipline

It is ordered that **Joseph Trenk** be suspended from the practice of law for nine months, that execution of suspension be stayed, and that he be placed on probation for until September 30, 2000 subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Further Order Regarding Stipulation filed June 8, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination, and provide the State Bar Probation Unit with satisfactory proof that he has passed that examination within one year after the effective date of this order, unless he has previously passed that examination

pursuant to the order of the State Bar Court in case no. 96-O-00849. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

- S073547 In the Matter of the Resignation of **Robert Josephi Klitgaard**
A Member of the State Bar of California
The voluntary resignation of **Robert Josephi Klitgaard** as a member of the State Bar of California is accepted.
- S073549 In the Matter of the Resignation of **John M. Blackburn**
A Member of the State Bar of California
The voluntary resignation of **John M. Blackburn** as a member of the State Bar of California is accepted.
- S073550 In the Matter of the Resignation of **Karoline Homer Ryan**
A Member of the State Bar of California
The voluntary resignation of **Karoline Homer Ryan** as a member of the State Bar of California is accepted.
- S073551 In the Matter of the Resignation of **Robert Eugene Hammons**
A Member of the State Bar of California
The voluntary resignation of **Robert Eugene Hammons** as a member of the State Bar of California is accepted.
- S073552 In the Matter of the Resignation of **Joanna M. Dominick**
A Member of the State Bar of California
The voluntary resignation **Joanna M. Dominick** of as a member of the State Bar of California is accepted.
- S073553 In the Matter of the Resignation of **Gary E. Davis**
A Member of the State Bar of California
The voluntary resignation of **Gary E. Davis** as a member of the State Bar of California is accepted.